

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: GREGOR8

In re Application of: ) Confirmation No.: 8816  
                          ) )  
Paul GREGOR et al     ) Art Unit: 1614  
                          ) )  
I.A. Filing Date: 03/24/2005 ) Examiner: T. P. Thomas  
371(c) Date: September 25, 2006 ) )  
                          ) Washington D.C.  
U.S. Appln. No.: 10/594,081 ) )  
                          ) )  
For: PHARMACEUTICAL     ) September 21, 2007  
COMPOSITIONS COMPRISING... ) )

REPLY TO RESTRICTION OFFICE ACTION

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building, 401 Dulany Street  
Alexandria, VA 22314

Sir:

Replying to the Office Action mailed August 21, 2007, instituting restriction based on purported lack of unity of invention under the applicable PCT Rules 13.1 and 13.2, please consider Applicants' reply below.

First, however, Applicants respectfully request the PTO to acknowledge receipt of Applicants' papers filed under §119.

Restriction has been required among what the PTO considers as being three separate inventions not so linked as

to form a single general inventive concept under PCT Rules 13.1 and 13.2. As Applicants must make an election even though the requirement is traversed, Applicants hereby respectfully and provisionally elect Group I, directed to a pharmaceutical composition, with traverse and without prejudice as explained below.

Applicants have furthermore been required to elect (1) an ultimate species of a single disclosed compound, and (2) an ultimate species of a single disclosed disease, disorder or condition. Again, as Applicants are required to make such elections even though the requirements are traversed, Applicants' hereby respectfully and provisionally elect compound No. 2011 as the ultimate compound, and acute and chronic inflammation as the species of disease, disorder or condition.<sup>1</sup>

Lack of unity of invention is based on Selwood WO 01/32604 A1. Applicants traverse on the basis that Applicants' claims do not read on the compound identified as being disclosed in Selwood. Thus, by preliminary amendment filed September 20, 2007, Applicants amended their claims and presented a new generic claim 85 defining compounds of Formula I (as in claim 1) but excluding the definition of R<sub>3</sub> and/or R<sub>4</sub>

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<sup>1</sup> If the PTO deems "acute and chronic inflammation" as too broad a species, Applicants elect rheumatoid arthritis from among the acute and chronic inflammation conditions.